

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JUXTACOMM TECHNOLOGIES, INC.

PLAINTIFF,

V.

[illegible]

Civil Action No. 2:07-CV-00359-TJW

- (1) ASCENTIAL SOFTWARE CORPORATION,
- (2) BUSINESS OBJECTS SA,
- (3) BUSINESS OBJECTS AMERICA,
- (4) CA, INC.,
- (5) COGNOS, INC.,
- (6) COGNOS CORPORATION,
- (7) DATAMIRROR, INC.,
- (8) FIORANO SOFTWARE, INC.,
- (9) HUMMINGBIRD LTD.,
- (10) INTERNATIONAL BUSINESS
MACHINES CORPORATION,
- (11) INFORMATICA CORPORATION,
- (12) INFORMATION BUILDERS, INC.,
- (13) INTERSYSTEMS, INC.,
- (14) IWAY SOFTWARE COMPANY,
- (15) METASTORM, INC.,
- (16) MICROSOFT CORPORATION,
- (17) OPEN TEXT CORPORATION,
- (18) SOFTWARE AG,
- (19) SOFTWARE AG, INC.,
- (20) SYBASE, INC.,
- (21) WEBMETHODS, INC.

DEFENDANTS.

JURY DEMAND

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff JuxtaComm Technologies, Inc. (“JuxtaComm”) files this Original Complaint for damages and injunctive relief against Ascential Software Corporation, Business Objects SA, Business Objects America, CA, Inc., Cognos, Inc., Cognos Corporation, DataMirror, Inc., Fiorano Software, Inc., Hummingbird Ltd., International Business Machines Corporation, Informatica Corporation, Information Builders, Inc., Intersystems, Inc., iWay Software

Company, MetaStorm, Inc., Microsoft Corporation, Open Text Corporation, Software AG, Software AG, Inc., Sybase, Inc., and WebMethods, Inc. In support of its Original Complaint, JuxtaComm shows as follows:

THE PARTIES

1. JuxtaComm is a corporation duly organized and existing under the laws of Canada, having its principal place of business in Calgary, Alberta, Canada.

2. Ascential Software Corporation (“Ascential”), a Delaware corporation, is a direct or indirect subsidiary of International Business Machines Corporation. Ascential’s principal place of business is located at 50 Washington Street, Westborough, Massachusetts 01581. Ascential’s agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

3. Business Objects SA (“BOS”) is a French corporation, and its principal place of business is located at 157-159, rue Anatole France, 92309, Le Vallous – Perret, Cedex. BOS may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the receiving authority located in France.

4. Business Objects America (“BOA”), a Delaware corporation, is a direct or indirect subsidiary of Business Objects SA. BOA’s principal place of business is located at 3030 Orchard Parkway, San Jose, California 95134, and BOA’s agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

5. CA, Inc. (“CA”) is a Delaware corporation, and its principal place of business is located at One CA Plaza, Islandia, New York 11749. CA’s agent for service of process is: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

6. Cognos, Inc. is a Canadian corporation, and its principal place of business is located at 3755 Riverside Drive, P.O. Box 9707, Station T, Ottawa, Ontario, Canada K1G4K9. Cognos, Inc. may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the receiving authority located in Canada.

7. Cognos Corporation (“Cognos Corp.”), a Delaware corporation, is a direct or indirect subsidiary of Cognos, Inc. Cognos Corp.’s principal place of business is located at 15 Wayside Road, Burlington, Massachusetts 01803. Cognos Corp.’s agent for service of process is: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

8. DataMirror, Inc. (“DataMirror”) is a Delaware corporation, and its principal place of business is located at 3100 Steeles Avenue East, Suite 1100, Markham Ontario, Canada L3R8T3. DataMirror’s agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

9. Fiorano Software, Inc. (“Fiorano”) is a California corporation, and its principal place of business is located at 718 University Avenue, Suite 212, Los Gatos, California. Fiorano’s agent for service of process is: James C. Chapman, 25 Metro Drive, Suite 600, San Jose, California 95110.

10. Hummingbird Ltd. (“Hummingbird”), a Canadian corporation, is a direct or indirect subsidiary of Open Text Corporation. Hummingbird’s principal place of business is located at 1 Sparks Avenue, Toronto, Ontario, Canada M2H 2W1. Hummingbird may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the receiving authority located in Canada.

11. International Business Machines Corporation (“IBM”) is a New York corporation, and its principal place of business is located at 1 New Orchard Road, Armonk, New York 10504.

IBM's agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

12. Informatica Corporation ("Informatica") is a Delaware corporation, and its principal place of business is located at 100 Cardinal Way, Redwood City, California 94063. Informatica's agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

13. Information Builders, Inc. ("IBI") is a New York corporation, and its principal place of business is located at Two Penn Plaza, New York, New York 10121-2898. IBI's agent for service of process is: United Corporate Services, Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701.

14. Intersystems, Inc. ("Intersystem") is a Delaware corporation, and its principal place of business is located at 1 Memorial Drive, Cambridge, Massachusetts. Intersystems' agent for service of process is: Fred S. Zeidman, 8790 Wallisville Road, Houston, Texas 77029.

15. iWay Software Company ("iWay"), a New York corporation, is a direct or indirect subsidiary of Information Builders. iWay's principal place of business is located at Two Penn Plaza, New York, New York 10121-2898. iWay's agent for service of process is: United Corporate Services, Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701.

16. MetaStorm, Inc. ("MetaStorm") is a Maryland corporation, and its principal place of business is located at 500 East Pratt Street, Suite 1250, Baltimore, Maryland 21202. MetaStorm's agent for service of process is: Allison McCann, 500 East Pratt Street, Suite 1250, Baltimore, Maryland 21202.

17. Microsoft Corporation ("Microsoft") is a Delaware corporation, and its principal place of business is located at One Microsoft Way, Redmond, Washington 98052. Microsoft's

agent for service of process is: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

18. Open Text Corporation (“Open Text”) is an Illinois corporation, and its principal place of business is located at 100 Tri-State International Parkway, Third Floor, Lincolnshire, Illinois 60069. Open Text’s agent for service of process is: CT Corporation System, 208 So. La Salle Street, Suite 814, Chicago, Illinois 60604.

19. Software AG (“SAG”) is a German corporation, and its principal place of business is Uhlandstrasse 12, 64297 Darmstadt, Germany. SAG may be served pursuant to the Hague Convention by forwarding a copy of this Complaint and Summons to the receiving authority located in Germany.

20. Software AG, Inc. (“SAGI”), a Delaware corporation, is a direct or indirect subsidiary of SAG. SAGI’s principal place of business is 11700 Plaza America Drive, Suite 700, Reston, Virginia 20190. SAGI’s agent for service of process is: CT Corporation System, 350 North St. Paul Street, Dallas, TX 75201.

21. Sybase, Inc. (“Sybase”) is a Delaware corporation, and its principal place of business is located at 1 Sybase Drive, Dublin, California 94568. Sybase’s agent for service of process is: Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

22. WebMethods, Inc. (“WebMethods”), a Delaware corporation, is a direct or indirect subsidiary of SAGI. WebMethods’ principal place of business is located at 3877 Fairfax Ridge Road, South Tower, Fairfax, Virginia 22030. WebMethod’s agent for service of process is: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

JURISDICTION

23. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over the Defendants in that each of them has committed acts within Texas and this judicial district giving rise to this action and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

24. Each of the Defendants has committed acts within this judicial district giving rise to this action and does business in this district, including advertising and/or providing services to their respective customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b), 1391(c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 6,195,662

25. On February 27, 2001, United States Patent No. 6,195,662 (the “‘662 Patent”) was duly and legally issued to JuxtaComm for an invention entitled “System for Transforming and Exchanging Data Between Distributed Heterogeneous Computer Systems.” A true and correct copy of the ‘662 Patent is attached hereto as Exhibit A. JuxtaComm is, and at all times has been, the true and record owner of the ‘662 Patent.

26. Each of the Defendants has infringed and continues to infringe the ‘662 Patent, either directly or by contributory infringement or inducement of others to infringe. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and/or services related to the transformation and exchange of data

between computer systems. Each of the Defendants is liable for infringement of the '662 Patent pursuant to 35 U.S.C. § 271.

27. Each of the Defendants' acts of infringement has caused damage to JuxtaComm, and JuxtaComm is entitled to recover from each Defendant the damages sustained by JuxtaComm as a result of their individual wrongful acts in an amount subject to proof at trial. Each of the Defendants' infringement of JuxtaComm's exclusive rights under the '662 Patent will continue to damage JuxtaComm's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

28. Upon information and belief, Defendants' infringement of the '662 Patent is willful and deliberate, entitling JuxtaComm to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, JuxtaComm prays for judgment and seeks relief against each of the Defendants as follows:

- (a) For Judgment that the '662 Patent has been and continues to be infringed by each Defendant;
- (b) For an accounting of all damages sustained by JuxtaComm as the result of the acts of infringement by each Defendant;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by each Defendant, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with them, including related individuals and entities, customers, representatives, dealers and distributors;

- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff JuxtaComm Technologies, Inc. demands a jury trial.

Respectfully submitted this 17th day of August 2007.

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